

**Your Reference:**

**Our Ref: Fol 1751**

**Date: 8 June 2012**

Dear Mr Bateman,

Thank you for your Freedom of Information request of 24 April 2012. We advised you on 31 May 2012 that we were considering Section 36 in relation to your request but please accept my apologies for the delay in responding. You asked:

*Please send me copies of any emails or letters sent by DWP officials or Ministers to the Ministry of Justice concerning the Ministry of Justice video about Employment and Support Allowance appeals on You Tube (<http://www.youtube.com/watch?v=4L8EPHDjeqU>)*

*This application is made in accordance with the Freedom of Information Act 2000.*

There is one email that falls within the scope of your request. It sought to correct factual inaccuracies in the Ministry of Justice (MoJ) video about Employment and Support Allowance appeals – the relevant extract is attached. We have removed the names of non-senior civil servants in the normal way.

**From:** Minister for Employment  
[mailto:MINISTER.EMPLOYMENT@DWP.GSI.GOV.UK]  
**Sent:** 19 March 2012 14:32  
**To:**  
**Cc:** Minister for Employment  
**Subject:** Youtube video about appeals

Afternoon, our attention has been drawn to a video on your official youtube channel that talks about making an appeal on Employment and Support Allowance:  
<http://www.youtube.com/watch?v=4L8EPHDjeqU>

Specific concerns are:

- The line that the claimant may not have had a chance to talk to someone since the decision was made - our new processes ensure that Jobcentre Plus will

have spoken to the claimant to ensure they understand what the decision is, why it's been made and what they can do next;

- It says the claimant will have received a medical examination - the Work Capability Assessment is not a medical examination, if the word medical must be used we'd be OK with medical assessment, but would prefer something like "an assessment of your capability for work";
- It mentions bringing additional evidence to the tribunal - again, our new processes are trying to ensure that new medical evidence doesn't just go to the tribunal but instead gets to JCP first so we can undertake a reconsideration;
- It notes that JCP doesn't normally send anyone to a tribunal - while this is true both because of cost and because the evidence suggests it makes no difference to the tribunal decision, it does feel quite a negative comment. The appearance of a presenting officer or not doesn't reflect how important we feel the tribunal is or the claimant's case is; and
- A couple of times it's noted that a claimant is twice as likely to win their appeal if they turn up in person - again this is broadly true, but doesn't help to reduce the opinion that it isn't the facts of the case that are important, but the turning up in front of a tribunal and pleading their case.

Can we discuss what we might be able to do?

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,



Working Age Benefits Division

---

**Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk) or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF [www.ico.gov.uk](http://www.ico.gov.uk)